

Message Text

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DRAFTED BY ARA/ECA:RCGRAHAM
APPROVED BY ARA:JBUSHNELL
HA:OJONES (INFO)
PM/SAS:RTITUS (INFO)
H:CCUTTER (DRAFT)
ARA/ECA:RZIMMERMANN
-----112994 050100Z /65
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FM SECSTATE WASHDC
TO AMEMBASSY MONTEVIDEO PRIORITY

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E.O. 11652: N/A

TAGS: PDIP, SHUM, UY

SUBJECT: GOU DELIVERS NOTE PROTESTING HUMAN RIGHTS REPORT

1. ON MARCH 29 URUGUAYAN AMBASSADOR PEREZ CALDAS PRESENTED A DIPLOMATIC NOTE TO ACTING ASSISTANT SECRETARY BUSHNELL PROTESTING OUR HUMAN RIGHTS REPORT TO CONGRESS. THE TEXT OF THE NOTE FOLLOWS AT THE END OF THIS CABLE.

2. AMBASSADOR PEREZ CALDAS BEGAN BY NOTING THAT HE HAD ALREADY ADVISED ARA/ECA DIRECTOR ZIMMERMANN THAT, IN HIS OPINION, THE DEPARTMENT'S REPORT ON URUGUAY WAS OBJECTIVE. HE REFRAINED FROM SPECULATING WHY HE HAD BEEN INSTRUCTED TO DELIVER THE NOTE. HOWEVER, HE DREW OUR ATTENTION TO TWO POINTS IN THE NOTE: A) THE STATEMENT THAT THE U.S. DID NOT
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REPLY TO THE GOU'S MARCH 1977 NOTE PROTESTING THE 1977 HUMAN RIGHTREPORT ON URUGUAY; AND B) PARAGRAPH THREE OF THE CURRENT NOTE WHICH REITERATED THAT THE GOU HAD CANCELLED ALL OUTSTANDING REQUESTS FOR MILITARY AND ECONOMIC AID IN ITS MARCH 1977 NOTE AND, THEREFORE, CANNOT BE INCLUDED IN ANY NEW BILATERAL MILITARY OR ECONOMIC ASSISTANCE PROJECTS. THIS PARAGRAPH CLEARLY IMPLIES THAT OUR RATIONALE FOR PRE-

PARING THE 1978 HUMAN RIGHTS REPORT - TO MAINTAIN URUGUAY'S
ELIGIBILITY FOR SUCH ASSISTANCE - IS NOT ACCEPTABLE TO THE
URUGUAYAN GOVERNMENT.

3. AMBASSADOR PEREZ CALDAS NEVERTHELESS, AFTER CARRYING
OUT HIS SPECIFIC INSTRUCTIONS, RECITED A BRIEF HISTORY OF
URUGUAYAN ARMS PROCUREMENT, TERMINATING WITH THE STATEMENT
THAT HIS GOVERNMENT HAS FOR A NUMBER OF YEARS BEEN ALMOST
TOTALLY DEPENDENT ON U.S. MILITARY EQUIPMENT AND SUPPLIES.

4. MR. BUSHNELL REPLIED TO THE AMBASSADOR'S RECITATION
WITH THE STATEMENT THAT OUR AWARENESS OF THIS FACT PROMPTED
SUBMISSION OF THE HUMAN RIGHTS REPORT IN ORDER TO MAINTAIN
GOU ELIGIBILITY FOR FMS CASH PURCHASES OF SPARE PARTS FOR
THE U.S. SUPPLIED EQUIPMENT. THE PENDING LEGISLATIVE BAR
TO FMS SALES TO ARGENTINA PRECLUDED ANY OPTION ON OUR PART,
AND THUS A HUMAN RIGHTS REPORT WOULD HAVE SERVED NO PUR-
POSE. IT WAS NOTED THAT THE U.S. CONGRESS COULD STILL
REQUEST A HUMAN RIGHTS REPORT ON ARGENTINA, OR ANY OTHER
COUNTRY FOR WHICH REPORTS WERE NOT SUBMITTED.

5. COMMENT - THE PRESENTATION OF THE URUGUAYAN NOTE OF
PROTEST PROVIDED AN APPROPRIATE OPPORTUNITY TO FORMALLY
EXPLAIN OUR RATIONALE FOR THE HUMAN RIGHTS REPORT. THE
EMBASSY'S DISCUSSIONS OF THIS NOTE WITH THE GOU SHOULD
MAKE THE POINT THAT IT WOULD BE ADVANTAGEOUS TO BOTH
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GOVERNMENTS TO RETAIN THE FLEXIBILITY FOR A RESUMPTION OF
SELECTED SPARE PARTS SALES, IF THE HUMAN RIGHTS SITUATION
PERMITS. WHILE OUR POLICY IS NOT NOW TO APPROVE SUCH
CASH SALES, AT LEAST THERE IS NO LEGISLATIVE SANCTION
CURRENTLY IN EFFECT FOR URUGUAY THAT WOULD ABSOLUTELY
PRECLUDE THESE SALES.

6. THE EMBASSY'S ADVICE IS REQUESTED AS TO WHETHER WE
SHOULD FORMALLY REPLY TO THE NEW NOTE ALONG THE LINES
DISCUSSED BY BUSHNELL WITH AMBASSADOR PEREZ CALDAS OR
WHETHER WE SHOULD NOT FORMALLY REPLY AS WAS DECIDED LAST
YEAR.

7. BEGIN TEXT OF NOTE: THE EMBASSY OF URUGUAY PRESENTS
ITS COMPLIMENTS TO THE DEPARTMENT OF STATE AND HAS THE
HONOR TO INFORM THE FOLLOWING:

1) THE GOVERNMENT OF URUGUAY HAS BECOME AWARE OF THE
REPORT SUBMITTED BY THE DEPARTMENT OF STATE TO THE U.S.
CONGRESS AND RECENTLY RELEASED TO THE PUBLIC, IN WHICH THE
POLITICAL-JURIDICAL SITUATION IN URUGUAY WITH RESPECT TO
HUMAN RIGHTS IS ANALYZED. AS EXPRESSED BY NOTE VERBALE

12/77, OF MARCH 10, 1977, SENT BY THE MINISTRY OF FOREIGN AFFAIRS TO THE U.S. EMBASSY IN MONTEVIDEO - WHICH HAS NOTAS YET BEEN REPLIED - THE EXISTENCE PER SE OF THE REPORT IS JURIDICALLY INAPPROPRIATE ACCORDING TO THE PRINCIPLES AND

REGULATIONS OF INTERNATIONAL LAW IN FORCE.

2) FURTHERMORE, AND ALSO AS EXPRESSED IN THE ABOVE MENTIONED NOTE VERBALE, THE FOLLOWING SHOULD BE EMPHASIZED: THE JUDGMENT OF MATTERS OF EXCLUSIVE INTERNAL COMPETENCE OF OTHER STATES, AS THE ONES CONTAINED IN THE SAID REPORT, IMPLIES A CLEAR INTERVENTION IN THE INTERNAL AFFAIRS OF URUGUAY AND A VIOLATION TO THE PRINCIPLE OF JURIDICAL EQUALITY AMONG STATES, WHICH THE GOVERNMENT OF LIMITED OFFICIAL USE

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URUGUAY STRONGLY REJECTS ACCORDING TO THE PRINCIPLES AND REGULATIONS OF INTERNATIONAL LAW IN FORCE. THE FACT THAT THE SAID REPORT WAS PREPARED AS PER A U.S. LAW DOES NOT INVALIDATE THE PRINCIPLES OF INTERNATIONAL LAW MENTIONED ABOVE.

THE PUBLICITY GIVEN THE REPORT CONFIRMS THE VIOLATION TO THE SAID PRINCIPLES, AND THE SPREADING OF ITS CONTENTS, WHICH WERE OBVIOUSLY ORIGINATED IN A COMPLETE LACK OF KNOWLEDGE ABOUT THE URUGUAYAN REALITY, CAN ONLY BE HELPFUL TO SUBVERSION AND TO THE UNTRUTHFUL INTERNATIONAL CAMPAIGN ORGANIZED AGAINST URUGUAY.

3) ALSO, ON FEBRUARY 28, 1977 THE GOVERNMENT OF URUGUAY OFFICIALLY INFORMED THE GOVERNMENT OF THE UNITED STATES THAT IT WAS CANCELLING ANY REQUEST SUBMITTED TO THE U.S. GOVERNMENT OR ANY OF ITS AGENCIES FOR MILITARY AND ECONOMIC AID, AND BEING AT THE MOMENT CONSIDERED PENDING FINAL RESOLUTION. THIS MEANS THAT URUGUAY SINCE THE SAID DATE CANNOT BE INCLUDED IN ANY BILATERAL ASSISTANCE PROJECT - WHETHER MILITARY OR ECONOMIC - BY THE GOVERNMENT OF THE UNITED STATES. THEREFORE, ANY CONSIDERATION REGARDING URUGUAY BY THE DEPARTMENT OF STATE OR ANY OTHER AGENCY OF THE U.S. GOVERNMENT, GIVING AS A PRETEXT ITS POSSIBLE PARTICIPATION IN ANY BILATERAL AID PROJECT, IS INAPPROPRIATE.

4) IN VIEW OF THE AFOREMENTIONED CONSIDERATIONS, THE GOVERNMENT OF URUGUAY VERY STRONGLY REJECTS THE ABOVE MENTIONED REPORT BY THE DEPARTMENT OF STATE, SINCE IT CONSTITUTES AN UNJUSTIFIED ATTITUDE WHICH VIOLATES INTERNATIONAL LAW.

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THE EMBASSY OF URUGUAY AVAILS ITSELF OF THIS OPPORTUNITY
TO RENEW TO THE DEPARTMENT OF STATE THE ASSURANCES OF ITS
HIGHEST CONSIDERATION. END TEXT. VANCE

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